REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Prior to the Office Action, claims 1-15 were pending, of which claims 13-15 were withdrawn from consideration.

In this Amendment, the withdrawn claims 13-15 and claims 2-3 and 8-11 are cancelled without prejudice or disclaimer. Claim 1 is amended to include the features of canceled claims 2 and 3 and other features. Claim 4 is similarly amended. Also, claims 16-23 are added. Therefore, claims 1, 4-7, 12 and 16-23 are pending, of which claims 1 and 4 are independent.

A. GROUP AND SPECIES ELECTION

Office Action alleges that newly submitted claims 13-15 are directed toward an invention that is independent or distinct from the invention originally claimed, and requires an election between Group I (claims 1-12) and Group II (claims 13-15). *See Office Action, pages 2-3.* Office Action further withdraws Group II claims 13-15 from consideration alleging constructive election of Group I claims 1-12.

To promote the progress of prosecution of current application, Applicants cancel Group II claims 13-15.

B. § 112, 2ND PARAGRAPH REJECTION

Claims 1, 3, 4, 8 and 11 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. *See Office Action, pages 4-6.* The rejection is moot with respect to claims 3, 8 and 11. Claims 1 and 4 are amended to address the issues raised by the Examiner.

Amended claim 1 describes that a side wall member "is arranged to receive a biasing force to the upright state by the biasing member and is configured to move from the upright state to the laid flat state against the biasing force by the biasing member only upon receiving an external force from the recording medium having a discharge speed greater than a predetermined speed or having a hardness greater than a predetermined hardness when the recording medium has been discharged to the discharge space in the upright state of the side wall member that closes the open position." Thus, amended claim 1 now shows specifically and explicitly the configuration of the side wall member to move automatically between the upright state and the laid flat state.

Amended claim 4 describes "a drive mechanism being configured to move the side wall member from the upright state to the laid flat state prior to a discharge operation of the recording medium only when a discharge direction length dimension of the recording medium to undergo image formation in the image-forming portion is longer than a length of the recording medium placement surface, the drive mechanism further being configured to move the side wall member from the laid flat state to the upright state following removal of the recording medium placed on the recording medium placement surface in

the laid flat state of the side wall member." Thus, amended claim 4 now shows specifically and explicitly the configuration of the side wall member to move to the laid flat state prior to the discharge operation.

Applicants respectfully request that the Section 112, second paragraph rejection of claims 1, 3, 4, 8 and 11 be withdrawn.

C. PATENTABILITY OF CLAIMS

Claims 1-5 and 7-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takashimizu et al. (U.S. Patent No. 5,743,518) in view of Kondo et al. (U.S. Patent No. 5,897,113); claim 6 stands rejected as allegedly being unpatentable over Takashimizu et al. in view of Kondo et al., and further in view of Ishikawa et al. (U.S. Patent No. 4,838,534); and claim 12 stands rejected as allegedly being unpatentable over Takashimizu et al. in view of Kondo et al., and further in view of Cho (U.S. Patent No. 5,974,283). The rejection is moot with respect to claims 2-3 and 8-11. Applicants respectfully traverse with respect to claims 1, 4-7 and 12.

The Examiner appears to consider the combination of the side element 512 and the paper stopper 514, both of which are the parts of the paper stacking mechanism 500, as being equivalent to the aide wall member in claims 1 and 4 of the present application, referring to Figs. 2 and 3 of Takashimizu et al. The side element 512 and the paper stopper 514 are provided at the end portion of the paper stacker 510 that is arranged to stack scanned original paper sheets 40 after the originals have been scanned.

In contrast, the side wall member of claims 1 and 4 of the present application do not stack the originals. The side wall member of claims 1 and 4 is provided at the end portion of the recording medium placement surface arranged to stack the recording medium having undergone image formation in the image-forming portion.

The Examiner also alleges that the original receiving tray 11 and the subtray 62 of Kondo at al. are equivalent to the side wall member as recited in claim 1 of the present application. But the original receiving tray 11 is provided to stack scanned original paper sheets, so it also differs from the side wall member of claims 1 and 4 of the present application, which is provided at the end portion of the recording medium placement surface that is arranged to stack the recording medium having undergone image formation in the image-forming portion.

The subtray 62 of Kondo et al. is provided at the end portion of the main tray 61 and can be either in an extending state where the subtray 62 extends to the main tray 61 or a folded state where subtray 62 is folded with respect to the main tray 61. But since the main tray 61 of Kondo et al. is a part of the original receiving tray 11 for stacking scanned original paper sheets, it differs from the recording medium placement surface of the present application, which is arranged to stack the recording medium having undergone image formation in the image-forming portion. In short, the subtray 62, which is provided at the end portion of the main tray 61, is clearly different from the side wall

member provided at the end portion of the recording medium placement surface as recited in claims 1 and 4.

Further, the side wall member of claim 1 as amended "is arranged to receive a biasing force to the upright state by the biasing member and is configured to move from the upright state to the laid flat state against the biasing force by the biasing member only upon receiving an external force from the recording medium having a discharge speed greater than a predetermined speed or having a hardness greater than a predetermined hardness when the recording medium has been discharged to the discharge space in the upright state of the side wall member that closes the open position." Takashimizu et al. and Kondo et al. neither teach nor suggest such configuration.

Also, the recording medium discharge mechanism of claim 4 as amended is provided with "a drive mechanism configured to move the side wall member from the upright state to the laid flat state prior to a discharge operation of the recording medium only when a discharge direction length dimension of the recording medium to undergo image formation in the image-forming portion is longer than a length of the recording medium placement surface, wherein the drive mechanism is further configured to move the side wall member from the laid flat state to the upright state following a removal of the recording medium placed on the recording medium placement surface in the laid flat state of the side wall member." Takashimizu et al. and Kondo et al. neither teach nor suggest such drive mechanism.

For the reasons mentioned above, amended claims 1 and 4 are readily distinguishable from the combination of Takashimizu et al. and Kondo at al. Neither Ishikawa et al. nor Cho corrects the above-noted deficiencies of Takashimizu et al. and Kondo at al. Consequently, claims 1 and 4 are distinguishable over Takashimizu et al., Kondo at al., Ishikawa et al. and Cho.

Claims 5 and 7 are distinguishable from the combination of Takashimizu et al. and Kondo et al. by virtue of their dependency on claims 1 or 4. The dependent claims are distinguishable on their own merit. Regarding claim 7 for example, Examiner alleges that the optical image reading mechanism 400 and the paper supply mechanism 200 in Takashimizu et al. are equivalent to the original capturing portion and the feeding portion as recited. Previously with respect to claim 1, Examiner alleges that the paper stacker 510 is equivalent to the recording medium placement surface as recited. First, claim 7 requires that the recording medium discharge mechanism be placed in between the original capturing and the feeding portion. In contrast, Takashimizu et al. discloses that both optical image reading apparatus 400 and the paper supply mechanism 200 are below the paper stacker 510. Clearly, Takashimizu et al. does not teach or suggest the feature of claim 7.

For at least the above stated reasons, Applicants respectfully request that the rejections of claims 1-12 be withdrawn.

D. NEW CLAIMS

Claims 16-23 are added through this reply. All new claims depend from independent claims 1 and 4. By virtue of their dependencies from independent claims as well as on their own merits, the new claims are distinguishable over the cited references. Applicants respectfully request that the new claims be allowed.

E. CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,

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